

ORIGINAL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**Judge Hellerstein**

UNITED STATES OF AMERICA

- v. -

FELIPE DIAZ and  
WELLINGTON DIAZ,

Defendants.

SEALED INDICTMENT

13 Cr.

**13 CRIM 960**

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED **DEC 17 2013**

COUNT ONE

The Grand Jury charges:

1. In or about at least November 2013, in the

Southern District of New York and elsewhere, FELIPE DIAZ and WELLINGTON DIAZ, the defendants, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States.

2. It was a part and an object of the conspiracy that FELIPE DIAZ and WELLINGTON DIAZ, the defendants, and others known and unknown, would and did distribute and possess with the intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

3. The controlled substances involved in the offense were (a) one kilogram and more of mixtures and substances containing a detectable amount of heroin, in violation of Title

21, United States Code, Section 841(b)(1)(A), and (b) 500 grams and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Section 841(b)(1)(B).

Overt Act

4. In furtherance of said conspiracy and to effect its illegal object, the following overt act, among others, was committed in the Southern District of New York and elsewhere:

a. On or about November 15, 2013, FELIPE DIAZ, the defendant, drove from the Bronx, New York on his way to Texas to pick up narcotics.

(Title 21, United States Code, Section 846.)

FORFEITURE ALLEGATION

5. As a result of committing the offense charged in Count One of this Indictment, FELIPE DIAZ and WELLINGTON DIAZ, the defendants, shall forfeit to the United States of America, pursuant to 21 U.S.C. § 853, all property constituting, or derived from, any proceeds the defendants obtained, directly or indirectly, as a result of the commission of such offense, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offense.

Substitute Asset Provision

6. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;

c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(a) and (p), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

(Title 21, United States Code, Section 853.)



FOREPERSON



PREET BHARARA  
United States Attorney

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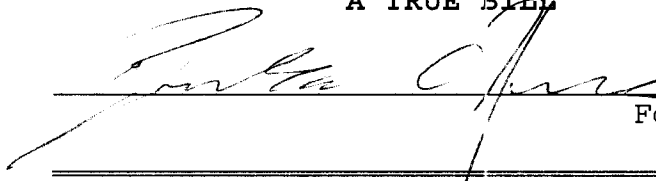
13 Cr. \_\_\_\_\_

(21 U.S.C. § 846.)

PREET BHARARA

United States Attorney.

A TRUE BILL

  
Foreperson.

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December 13, 2013

Filed sealed indictment. ~~Case assigned to~~  
U.S.M. J. Debra Freeman